

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6752

BILL NUMBER: SB 181

NOTE PREPARED: Feb 17, 2009

BILL AMENDED: Feb 12, 2009

SUBJECT: Child Seduction.

FIRST AUTHOR: Sen. Lubbers

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) The bill expands the group of persons who commit child seduction by adding persons employed by a charter school and persons otherwise affiliated with a school corporation, charter school, or nonpublic school, if the person affiliated with the school: (1) has a position of trust with respect to a child who attends the school; (2) is engaged in the provision of care or supervision to a child who attends the school; and is at least four years older than the child.

It defines "military recruiter" to mean a member of the armed forces whose primary job is recruiting individuals to enlist with the armed forces, and provides that a military recruiter commits child seduction if a military recruiter who is attempting to enlist a child at least 16 years old but less than 18 years: (1) engages in sexual intercourse with the child; (2) engages in deviate sexual conduct with the child; or (3) fondles the child.

Effective Date: July 1, 2009.

Explanation of State Expenditures: (Revised) There are no data available to indicate how many more child care workers or military recruiters may be convicted of the child seduction, a Class D felony, if the definition of a child care worker is expanded. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223. The average length of stay in Department of Correction facilities for all Class D felony offenders is approximately

ten months.

Background: On average between 2003 and 2007, there were four offenders a year committed to a state correctional facility for child seduction.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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